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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,307	06/20/2005	Peter Wynne Willson	28193/24642	9167

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EXAMINER

MAKIYA, DAVID J

ART UNIT	PAPER NUMBER
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2885

MAIL DATE	DELIVERY MODE
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10/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

58

Office Action Summary	Application No. 10/519,307	Applicant(s) WYNNE WILLSON, PETER	
	Examiner David J. Makiya	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to how the occluding element and support disc are both coplanar and parallel if, by definition, parallel means to be extending in the same direction, everywhere equidistant, and not meeting while coplanar means to be in the same plane. Under these definitions, it would not be possible for the occluding element and support disc to be coplanar if they are parallel, as they cannot meet. Claims will be interpreted as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopp et al. (US Patent 6,386,737).

With respect to claims 9 and 12, Hopp et al. teaches an apparatus for shaping a light beam in a lighting device, comprising a planar occluding element 16 arranged in a plane generally orthogonal to the axis 2 of the light beam (Figure 1) and a support disc 4 disposed parallel to the occluding element, wherein the occluding element is rotatably mounted on the

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support disc for rotation about a first axis 15, and wherein the support disc is rotatable about the axis of the light beam to move the axis in a circular orbit about the axis of the light beam (Column 5, Lines 31-56).

With respect to claim 13, Hopp et al. teaches the apparatus wherein the occluding element is substantially circular and is cammed 14 within a substantially circular cavity in the support plate (Figure 2).

With respect to claim 14, Hopp et al. teaches a method of shaping a light bema in a lighting device, comprising the steps of rotating, about a rotation axis 15 parallel to and offset from the axis of the light beam, a planar occluding element 16 arranged in a plane generally orthogonal to the axis of the light beam (Figure 1); and in combination moving the element in a circular orbit about the axis 2 of the light beam (Column 5, Lines 31-56).

With respect to claim 15, Hopp et al. teaches the apparatus for framing a light beam in a lighting device, comprising a first plate 4 and a second plate 16 separately moveable in a plane orthogonal to the axis 2 of the light beam for varying the shape of the beam, the second plate comprising a beam occluding element 17 and being mounted on the first plate for rotation relative to the first plate about a first axis (Figure 1); the first plate being movable in the plane to cause the first axis to orbit the axis of the light beam (Column 5, Lines 31-56).

With respect to claim 16, Hopp et al. teaches the apparatus wherein the first plate is substantially circular and is cammed 14 within a substantially circular cavity in the second plate (Figure 2).

With respect to claim 17, Hopp et al. teaches the apparatus wherein the first plate is mounted for rotation about the axis of the light beam (Column 5, Lines 31-56).

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With respect to claim 18, Hopp et al. teaches the apparatus wherein the first plate is orbital movement about the axis of the light beam (Column 5, Lines 31-56).

Response to Arguments

Applicant's arguments with respect to claims 9 and 12-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJM 10/04/2007



JOHN ANTHONY WARD
PRIMARY EXAMINER